

Minutes of September 26, 2003 Special Meeting
22 Civic Center Plaza
Santa Ana

1. Chair Beswick called the special meeting to order at 9:00 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
Seymour Van Gundy
John Withers
Joan Dotson
William Ruh

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Mark E. Smythe, Chief, Storm Water (Coastal Waters)
Jorge León, Legal Counsel
Barbara Laffoon, Executive Assistant

State Board Representative

There was none present.

Public Attendance

Don Schulz, Surfrider Foundation
M.J. Foley, Consultant
Bob Von Schimmelmman, City of Orange
Darrell A. Nolte
Ruby Maldonado, County of Orange
Geoff Hunt, County of Orange
Mike Wellborn, County of Orange
John Skinner, SPON
Robert Righetti, City of Garden Grove
A. J. Holman, III, City of Garden Grove
Bob Caustin, Defend the Bay
Garry Brown, Orange County Coastkeeper
Mike Loving, City of Irvine
Beth Krom, City of Irvine
Dindo Carrillo, Orange County Sanitation District
Rick Wilson, Surfrider Foundation
Greg Woodside, Orange County Water District
Mike Recupero
Tim Piasky, CICWQ
Pat Shavics, Bingham McCutchen
Bob Collacott, URS
Randy Fuhrman
Christine Iger
Souri Amirani, City of Santa Ana
Joe Parco, City of Santa Ana

Larry McKenney, County of Orange
Joe Ames, Laguna Hills
Geraldine Lucas, City of Huntington Beach
John Kappeler, City of Newport Beach
Matt Yeager, San Bernardino County Flood Control
Lois Jeffrey, Woodruff, Spradlin & Smart
Jerry King, Solution Strategies
Gene Estrada, County of Orange

2. Public Forum

Darrell Nolta addressed the Board, citing his ongoing study of "Orange County's Unhealthy Beaches: A Study of Failed Government Mitigation Efforts."

Member Solorio, Councilman for the City of Santa Ana, a co-permitee, recused himself from the deliberations and exited the meeting at 9:25 a.m.

3. Public Hearing, Orange County Municipal Storm Water Permittees' Model Water Quality Management Plan (WQMP)

Information pertaining to this item is contained in a verbatim transcript.

Mark Smythe, Chief of Storm Water (Coastal Waters) Section, presented the item.

Speakers on the item were:

Beth Krom, City Council Member, voiced the City of Irvine's support of the proposed WQMP. Although she noted that no plan is without limitations and challenges, the plan as presented met the best interest of those who will be served by it.

Carolyn Cavecche, Mayor Pro-tem of the City of Orange, a director of the boards of OCSD and the Vector Control District of Orange County, thanked the Board and staff for the willingness to work with all the parties on the program. She said the plan was environmentally sound and economically feasible.

David Beckman, NRDC, felt that the Plan was an exceptional effort by an agency like the regional board; however, Mr. Beckman felt that the Plan was not perfect and voiced disappointment that environmental groups such as the NRDC had not been included from the beginning. He voiced concern that an unintended motivation for CEQA analysis to foreshorten the list of pollutants that need to be treated or to attempt to change the standards that applied to the discharge of the list of pollutants might occur.

Bob Caustin, Defend the Bay, also registered his concern with the CEQA issues raised by Mr. Beckman, but thanked the Board for its efforts on the WQMP.

Garry Brown, Orange County Coastkeeper, told the Board that the Plan was not the most perfect document written, but that it was certainly one with which they could live.

Rick Wilson, Surfrider Foundation, commented that although the Surfrider Foundation had been extremely upset at not being included in the process of developing the DAMP and the WQMP, he appreciated the work of David Beckman, Bob Caustin and Garry Brown and their working with the county and regional board to come up with a fair, balanced plan.

Don Schulz, Surfrider Foundation, inquired about the October 1 deadline if the WQMP was not approved, and EO Thibeault explained what would occur.

Christine Iger spoke in favor of the Plan but asked the Board to consider changing the wording on Page 30, 7.2, page 30, the bottom bullet from "after" to "with." After some discussion, the decision was to allow the terminology to remain as presented.

Tim Piasky asked the Board to consider six suggestions for change in the Plan. After consultation, AEO Berchtold reported staff would support the change to add the language in BMPs, and/or BMPS. The two tables referenced — a table of pollutants and a table of BMPs — are linked, and adding the BMP reference was a clarification. Staff did not support the other proposed changes.

Darrell Nolta stated that he felt the environmentalists had been excluded from the process.

Larry McKenney, County of Orange FCD, thanked EO Thibeault and the Board for the effort and voiced his clarification and support of some the language in the document that was questioned by Mr. Piasky.

Bill Roley, Permaculture Institute, complimented the Board on the effort and its results.

Member Withers asked that the Board schedule the item for a fall 2004 Orange County Board meeting to see how well the Plan is working.

The Board consensus was that the Executive Office approve the Water Quality Management Plan as presented with errata.

4. Closed Session:

After citing the regulations for closed session and Emhart Industries as the topic, the Board moved to closed session at 10:34 a.m. and returned to open session at 10:53 a.m.

5. Adjournment

The Board was adjourned to the regular meeting of October 3, 2003, at 9:00 a.m., at the City Council Chambers of Loma Linda

Respectfully submitted:

/s/

GERARD J. THIBEAULT
Executive Officer

/bjl